

AN EXPOSURE

Of the most material of the misrepresentations circulated among the Members of the Legislature, by the Counsel of the Commonwealth, in the Wheeling Bridge Case.

The State of Pennsylvania now occupies this remarkable position—that, after counsel have, of their own motion, engaged the State in a law suit which, if successful, threatens serious disasters to its own bridges and public works, they now maintain an agent here at Harrisburg, to watch over the proceedings of the Legislature, supply the members with false intelligence, and resist the dismissal of the suit—which is called for by every consideration of public interest and public honor.

The pamphlet just issued is replete with quotations from Walworth's report; to all of which I reply, generally:

That Mr. Walworth was selected by the Court, as a disinterested Commissioner, to take testimony, and with authority to appoint an engineer to aid him. His *first* duty was, therefore, to make this appointment; and in the discharge of that duty, he selected for this engineer, the brother-in-law of Charler Shaler, the very lawyer who, at Pittsburg, was most instrumental in instigating the suit, and who was then, and is still, engaged in carrying it on.

The *last* duty of the Commissioner, after taking these depositions, and allowing this same brother-in-law to testify in the cause, was to write and prepare his report for the Court.

Instead of engaging some disinterested party to aid him in this duty—for which he was himself unfitted by education, and the want of all practical information—he called to his side the *associate counsel* of this same firm of Stanton & Shaler. They thus made a family job of it.

The associate counsel referred to, is the young man who is now here, running about the Legislature, making speeches, showing pictures, and distributing pamphlets to the members.

This young man—the associate of Shaler & Stanton—assisted in the preparation of that report, and in all probability, composed those very passages which are now re-published in pamphlet form, and circulated with the authority of the Commissioner.

Now, I put the question to every honorable gentleman—Is it to be viewed as a matter of astonishment, that, when the aged Commissioner allowed himself to be surrounded by such influences—taking the brother-in-law of one of the counsel for his advising engineer, and the associate counsel for his legal and literary monitor or assistant—that his report should, however unintentionally, reflect their wishes.

It is this report, thus prepared, that is now quoted to the Legislature as authority, by the person who aided in getting it up. It is to this influence that we are to attribute the fact, that the report of the Commissioner speaks, in every instance, of *boats* that were stopped by the bridge, without once explaining that it was only *the tops of the lengthened out-pipes* that could, or did, reach up to the bridge. Yet

this was the fact—a fact that appears throughout all the testimony—but is, notwithstanding, altogether suppressed in the report.

I do not charge intentional suppression on the Commissioner. I mean simply, and only, to say that he was in bad hands. And whoever looks back at the dexterity with which this suit was excited, with which the lawyers who excited it got the control of it, then slipped it upon the shoulders of the State, next got their brother-in-law appointed engineer, and their own associate created assistant report-maker; and at the skill with which they now manage to prevent its dismissal, though the dearest rights of the State are at issue, and may be prostrated by it, will readily conceive that a venerable and honest old man could scarcely be expected to resist their influence.

The pamphlet circulated yesterday represents that there is no danger to the State aqueducts and Monongahela bridges, to be apprehended from pressing for this decree; and the same ground is taken by the counsel in their letter to the late Governor. But that very letter, as also the pamphlet, contains this clause:

“The bridge companies are private corporations, that have means to defend themselves, and with them the State has nothing to do.”

Now, has the State of Pennsylvania nothing to do with the rights and security of her citizens,—no parental care to exercise over those useful works to which she has given charters, and authorized and encouraged by her laws to be built? And why do the counsel stand on this ground? Why this reckless indifference to the rights of other companies within the State? For this simple reason: These very men—these Messrs. Shaler & Stanton—*have already commenced proceedings against some of the bridge companies of this State*; and are seeking a decree against the Wheeling bridge which will enable them to carry on their Vandalic crusade.

But their letter to the Governor goes on to announce this other most significant idea, to which I hope that every member of the Legislature will give close attention and reflection. Speaking of the danger to the works on the Allegheny and Monongahela, they ask the Governor, coolly, “So far as the general interests of the State are concerned, *is it certain that their removal would not be a public benefit?*” &c.

Here are the counsel of the State taking the ground upon which they mean to justify the assault already commenced, and to be hereafter continued against the bridges and aqueducts of this State. When hereafter reproached by an indignant public, will they not point to this very correspondence in justification of their Satanic course?

In their letter to the Governor, these men deny that the suit against the Wheeling bridge rests at all on the ordinance of 1787, declaring the rivers flowing into the Mississippi to be public high ways—an ordinance which, of course, applies equally to the Allegheny and Monongahela. This denial is only a part of the general system of misrepresentation under which this suit against the great commercial interests of Pennsylvania has been conducted.

The ordinance of 1787 *did* constitute the basis of the action; but the counsel, having doubt of its adequacy, the case was finally maintained under the more sweeping section of the Constitution, which gives to Congress the right “to regulate commerce between the States,” and is here interpreted to give them the control of the rivers on which the commerce is conducted. This was not exposed to the Governor, because he would have quickly taken the alarm, had he seen this great Commonwealth, which it was his duty to protect, acting the part of a public prosecutor in an insane attempt to destroy her own control over her own rivers. They did not dare to tell him that they were aiming to overturn all the bridge charters in the State, and place the control of the rivers of Pennsylvania in the hands of Congress. They did not dare to tell him so.

Again; this letter to the Governor says:

“The action proceeds on the ground of a ‘special injury to the public works owned by the State of Pennsylvania, to which the Ohio river is a high way and out-let,’ &c., and then argues that Virginia cannot retaliate on the Pennsylvania works because, ‘when these improvements were made, Virginia had not, nor has

she now, any State improvements on those rivers (the Monongahela and Allegheny) to be prejudiced by bridges and aqueducts, and hence no proceedings can be sustained against them by that State.'"

On this ground, and this only, the counsel have rested the argument to prove that Virginia's hands are tied. They assume that Virginia has no State improvements on the Monongahela, and, therefore, however wickedly her citizens may be assailed in the honored name of Pennsylvania, she would be without redress. But this, the turning point of the infamous argument, rests on an utterly false statement.

Virginia has unfortunately made extensive outlays on the Monongahela, all the way from the State line up to Clarksburg; so that on this very ground—the ground on which the Wheeling bridge case is made to stand—the locks, dams and bridges of the Monongahela must all be swept, if the Wheeling bridge goes. Let Mr. Moorhead and his friends—aiders and abettors in this unrighteous action—look about them, and see on what platform they themselves stand. I give them fair warning now.

It is true that the State of *Virginia* has made no improvements on the Allegheny river; but the State of New York has expended money there, and on that ground, if this doctrine be tenable, she may sue Pennsylvania for the obstructions caused by the State aqueduct, against which rafts and flat boats are split, lives lost, and steamers constantly obstructed. I admit that New York is not likely to do this of her own motion. But what is to prevent Mr. Stanton or Mr. Shaler, from going there and starting the suit, and afterward shuffling it on that State? Such a thing has been done before, and may be done again, if the Attorney General of New York will co-operate in the transaction.

I say again, that the fate of the bridges and public works of Pennsylvania do depend on this decree. If the decree is against the Wheeling bridge, these works must be swept, unless Congress will authorize their continuance.

I will not discuss any of the less momentous questions which have been raised by the counsel. If Pennsylvania gave notice in 1844, that she would "oppose every proposition for the erection of a bridge at Wheeling, or any other point on the Ohio river," she changed her policy, withdrew the notice and waived her objections, when in 1846, two years later, she chartered the bridge below Pittsburg, and fixed a height for it thirteen feet lower than the Wheeling bridge.

Trusting in the intelligence and high moral tone of the Legislature, I have no fear that interested counsel, however cunning, will be able to lead the Commonwealth into that vortex of ruin, which would follow a decree depriving the State of the control of her own rivers and public works.

